

## Massachusetts OHV Advisory Committee Meeting Minutes

<b>Meeting name</b>	OHV Advisory Committee Meeting (12)		
<b>Date</b>	6-5-13	<b>Time</b>	11:00 AM – 3:00 PM
<b>Location</b>	Dept. of Agricultural Resources, Amherst, MA	<b>Meeting host</b>	Celia Riechel (EEA)
Committee members present			
Randy Toth (Snowmobile Association of MA)	Col. Chris Baker (OLE)	Capt. Merri Walker (OLE)	Gary Briere (DCR)
Celia Riechel (EEA)	Chris Mossman (MA Forest Landowners Association)		
Guests			
Robert O'Connor (EEA)			
Committee members absent			
Stephanie Cooper (EEA)	Tad Ames (Berkshire Natural Resources Council)	Sharon Jordan (MA Forest & Parks Friends Network)	Colleen McGuire (DPH)
Ken Anderson (Mass ATV)	Dan D'Arcy (Power Sport Dealers Association)	Katie Kearney (Child Safety Advocate)	Chief Ernest Horn (Mendon Department of Public Safety)
VACANT– rep. of non-profit organization that owns and manages land open to the public	VACANT – rep. of OHV users and rep. of New England Trail Riders Association	VACANT – rep. of OHV users	

Synopsis of items discussed
<ol style="list-style-type: none"> <li><b>Welcome</b></li> <li><b>Committee membership</b> <p>Chris Mossman has been reappointed to the committee. Katie Kearney has been appointed as the representative of child safety advocates. Reappointment for Dan D'Arcy is pending. Priscilla Chapman from Mass Audubon and Bill Riordan from NETRA are no longer on the committee. We have a few vacancies on the committee that need to be filled to ensure that the committee has the level of representation called for in the legislation. These include:</p> <ul style="list-style-type: none"> <li>Representative of OHV users</li> <li>Representative of OHV users and the New England Trail Rider Association (NETRA)</li> <li>Representative of a nonprofit organization that owns and manages land open to the public</li> </ul> </li> </ol>

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EEA is working to identify potential candidates for these positions, but anyone who has any questions or comments should contact Celia Riechel or Stephanie Cooper.

### **3. Safety, law enforcement, and education update (see OLE handout)**

The monthly chart lists operational patrols by Environmental Police. The patrols typically include two officers, and they try to coordinate with local police departments.

The ATV Safety Institute (ASI) has been offering courses as well as OLE. OLE also offers operational training to municipal police departments to help enable them to go out and enforce the laws. OLE uses surplus vehicles for the training, but police departments are still required to have at least one OHV to ride. This is a challenge because even when police departments are able to send officers to get trained, and even when they get a vehicle, they often do not allocate the necessary funds or staffing levels to actually go out and do OHV patrols.

There is no clear reason why the education and training program has seen a decline in participation. The recent course completion numbers are the lowest seen since the program was initiated. This may simply reflect that we've reached "normal" levels of participation, and that the first few years saw greater numbers because kids that were various ages—14,15, 16—were taking it; perhaps now only the younger kids who are just getting old enough to ride are taking it. It may also just mean that we've gotten all the riders who were really diligent about complying, and there remains a segment of riders—perhaps a large portion of the total youth riding population—that has not taken the course. OLE gets notified when someone completes the online course, and then it offers the in-person classes accordingly. The biggest area for classes has been the southeast, which is a big area for dirtbike riding. Dirtbikes are well-organized through NETRA, which seems to push compliance. The areas more popular with ATV riding don't show the same level of course-completion activity. OLE is starting to see more utility vehicles, people taking kids in them.

We can only begin to triangulate on the total number of OHV riders in MA, to determine what percentage of the rider community we've reached. We probably have a fairly good handle on the number of snowmobilers. ATV and dirtbike riders are harder to determine, but they appear to be declining by any metric.

OLE is considering working with school resource officers to better reach young riders. Outreach is a challenge because parents are technically the responsible party, not the child. So we have to do outreach to both children and their parents. We also need to demonstrate that people are actually getting caught and fined. Here again, it is a challenge, because OLE does not pursue OHV riders due to the danger a chase could pose to the rider, officer, and bystanders. OLE is trying to put together stings to catch more illegal riding. OLE is going to start going to NETRA events to establish a greater presence.

Registration of OHVs has also declined significantly (22% for MA residents and 49%

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for non-residents). Vehicles must be registered every two years. This may be partly the same effect as the youth operators education course—that there was an influx of registrations when the law was passed and now registration levels reflect only the rate of new vehicle purchases—but it doesn't entirely explain it as there should be some vehicles up for renewing their registrations. The percentage change may also be somewhat misleading because the numbers weren't large to begin with. There may also be a real decline in ridership in MA. If people perceive that there are not enough legal areas for them to ride, they may not bother with registering in MA, preferring to go to VT, NH, or ME. The economic decline should also not be discounted; gas and vehicles are expensive.

OLE has been collecting data on OHV-related calls. The chart shows significant changes between 2012 and 2013 in calls of various types. Two years is not enough to establish trends, but OLE will continue to monitor this in the future. This data does not include information from municipal police departments. Any calls related to OHVs that they receive are not tracked by OLE and municipal police are not required to report the information to OLE. OLE will try to get information on OHV calls and types from a sample few police departments, possibly Pittsfield, Fitchburg, or Plymouth.

#### **4. Regulations revision update**

Recent legislation passed allowing the Director of Law Enforcement to use his/her discretion in exempting riders in certain events from the registration requirement. OLE has drafted some additional exemptions and clarified definitions.

The committee pointed out that the definition of age and size appropriate is not suited for describing snowmobiles or ATVs, which are specifically designed so that a rider's feet cannot touch the ground while he or she is seated on the machine. This description is only accurate for dirtbikes. The committee also asked that there be an allowance for a race organizer to modify an event after submitting their event plan.

Riders' date of birth is requested on the exemption form to ensure riders are old enough to ride. A course map including assessors parcel maps of all parcels through which the course will run should be included. Landowner permission is required.

#### **5. Local enforcement challenges; outreach and education**

We know we need to do more to reach children and parents. Whether the drop-off in course enrollment and vehicle registrations is partially represented by an earlier influx, there is still a sizable population of riders and vehicles that are not in compliance. Katie Kearney sent around a description of an incident in one town where local police were not proactive in enforcing the law even when kids were riding OHVs down the street. That is probably not all that unusual an occurrence. Chief Horne has discussed the difficulties local police face when trying to stretch limited resources and personnel to meet all their obligations. We sent out a letter to

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a number of organizations, from pediatricians to sports groups, and a brief look at their websites suggests not many have taken any action on it. The committee should really think through what entities it wants to target, what it wants them to do, and how it thinks they could take those actions. What are the most important audiences to reach? Why are they not currently doing what we want them to do? Is it lack of information, or something else? Some organizations might already be educated on OHVs, but have determined that enforcement or outreach simply isn't their mission.

Current riders: Some may lack some information. Organization helps—NETRA pushed dirtbike riders to comply, and we've seen higher rates (we think—we still don't have an accurate sense of the denominator) of compliance among them than among ATV riders. Working with SAM has similarly helped with compliance among snowmobile riders. ATV riders are harder to reach because they aren't as well-organized.

OHV dealers and manufacturers: This group has the highest level of organization, and the highest interest, but it's a conflict—they don't want to see limits on potential riders, or increased expense to ride because that cuts into their profits. Can we incentivize them in some way to do outreach and education to their customers? Get them involved in the trainings? This sort of thing—getting sellers involved in training and registration—works with firearms, but that is because you must have a permit to purchase a gun at all, so facilitating compliance aligns with their interest in increasing sales. We don't have that kind of leverage point

Kid-focused organizations: kids interact with a lot of established institutions, some of which we sent the outreach letter. We are not aware of a lot of action taken as a result of it, but here the limitation may be on better articulating what we want them to do, and then packaging something that's easy for them to use. If we want to target schools, maybe we can prepare materials for P.E. or health classes on OHVs and send them to schools. Maybe we can connect with the larger conversation about sports and concussions. We could also target outreach to school resource officers, police who have daily interactions with kids.

Police: It seems clear that most police are becoming aware of the law, and they know illegal or unsafe riding is going on, but are making decisions to focus their attention elsewhere because they have limited resources. The MA Police Institute, which does training for new police and continuing education, could add a training module on OHVs, but it will be difficult to actually get it into the curriculum because of time constraints. Creating the link between enforcement of the law and issuance of fines for violations, and getting some of that back as revenue for the local police, could be the incentive to get them to more aggressively enforce the law.

Parents: this is a tough group, especially when the parents themselves don't ride OHVs. We need to really think about how to effectively reach them. Could the OHV Fund be used to hire a professional marketing organization to help us reach these tough audiences?

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### **6. Options for increasing riding opportunities**

We've talked about different possibilities for providing more legal riding opportunities in the state. Some would like to see DCR open up more land for OHV use, but DCR is still working through an analysis of uses on its properties, and we don't expect them to complete it quickly, or expand OHV riding in the interim. Others have suggested working with the utility companies to permit riding along power line corridors, something that is already common, although it is not legal. This, too, is not the most promising course of action because utility corridors are just the shortest distance between two points, and take no consideration of environmental or topographical factors. Furthermore, the utility companies are also complex, and even if they were open to discussing such an arrangement (which is not likely), it would not result in near-term riding opportunities. The prospect of riding on unmaintained, unpaved town roads has also been suggested, and though the legal details might take some time, and it might require legislation, this could be something that could

A dedicated new riding area or trail system, operated by a municipality, might be the fastest, surest way to increase legal riding opportunities. EEA can use the OHV Fund to offer a grant to cities and towns for acquiring land for OHV riding, putting in place requirements for avoiding environmentally sensitive areas and following best management practices for trail construction, maintenance, and facility operation. The grant could fund acquisition of a large property, or trail easements. It may be impossible for one area to meet all OHV riders' desires, but we can certainly get a good start. EEA will draft an grant Request for Responses for the committee to review and comment upon. The National Association of OHV Administrators has established comprehensive BMPs for a riding area, which can be consulted.

Would other users (eg., hikers, pedal bicycles) be allowed to use the area? The OHV riding community is concerned that if other uses are allowed, the area will eventually prohibit OHVs and they will be back in the same position they are now, with few options for legal riding. EEA could stipulate that the property acquired with OHV Fund money be permanently open for OHV use. Other grant programs that fund land acquisition for active or passive recreation require clear statement of these purposes in the property deed, as well as recording of a project agreement with the deed that further defines the purposes of the acquisition. It could do something similar with this grant. There is also not always perfect compatibility among the different types of OHVs. ATVs in winter can ruin a good snowmobile trail. There could be seasonal rules about the types of vehicles allowed. EEA would want to see a clear, comprehensive plan for management before offering grant funding.

### **7. DCR update**

DCR continues to work to improve what it is offering OHV riders, but there are severe limitations. DCR currently spends more money on OHV trails than any other trail type. The loss of Becky Barnes' position (trails coordinator) has not been filled. Only two people are on the trail maintenance team. DCR continues to lose staff

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through retirements and layoffs, and it often can't rehire. Some users actually like this, because without trail coordinators, they are dealing more with the forest supervisors, who are on-site and very approachable. One position DCR is able to hire: DCR is combining the coordinator position with another, and the position is currently open—perhaps an OHV rider will apply.

This was the first year in a while that all the trails have been able to be opened at the start of the summer season. This is partly because we had good snow this year, so the snowmobilers were out doing good trail work. DCR is again using a free permit system, and by now people are used to it and it runs smoothly.

The fine filter analysis should be completed relatively soon. The Committee will be briefed first, then DCR will do a series of public meetings. The same criteria was used across the state to allow for direct comparison, unlike the coarse filter. It looks at Pittsfield, October Mountain, Beartown, Tolland for ATVs, and Wrentham, Franklin, F. Gilbert, and Freetown for dirt bikes.

#### Next steps/action items

1. Updates on committee membership (EEA)
2. OHV Fund Update (EEA)
3. Track legislative bills and highlight those of interest to the committee for input. (EEA)
4. How many OHV riders are there in MA?
5. Get information on OHV calls and types from a few sample police departments, possibly Pittsfield, Fitchburg, or Plymouth. (OLE)
6. Send survey to registered riders (some incentive for them to respond, free helmet every 100<sup>th</sup> respondent/product from dealers/etc): where riding now? prefer riding area or trails? (EEA/OLE)
7. Find out whether the OHV Fund could be used to hire a professional marketing firm to better target outreach and education. (EEA)

#### Leftover from last meeting:

8. Check websites of organizations to which the outreach letter was sent for posting of OHV information. (Sharon Jordan)
9. Formalize subcommittees to focus on specific issues, allowing them to make specific recommendations to full committee and EEA.
10. Determine possibility of semi-closure of town roads in October Mtn. State Forest,

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allowing OHVs but prohibiting cars. Determine possibility of using OHV Fund to provide some financial compensation to towns taking such action if closure/discontinuation reduces their Ch. 90 payments.

11. Can OHV Fund be used to help with liability insurance for private landowners who permit OHV riding? (EEA) Would this appeal to private forest owners ? (Chris Mossman will check with MFLA)
12. Figure out how to ensure that OHV fine money goes to the OHV Fund, not the general fund. Determine if previously-paid fines that went to the general fund can be recovered and placed in OHV Fund. (EEA)
13. Possible comparison between DPH accident records and OLE incident records? Possible to compare accident rates with those of other states, or with other sports/activities? (from previous meeting)

### **Suggestions for Consideration**

1. Determine what legislation is necessary to allow local towns to set up a dedicated fund for OHV fines. Find an existing town to be used as a model, or create one.
2. Develop an online survey of OHV riders to get more information on who they are and what they want.

### **Next meeting**

Wednesday, September 11<sup>th</sup>, 11:00am – 3:00pm

Location: Central Mass Regional Planning Commission, Union Station, Worcester, MA